

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**No. CR 01-281 BB**

**RALPH NOSKER,**

**Defendant.**

**MEMORANDUM OPINION**  
**AND**  
**ORDER DENYING RECONSIDERATION**

**THIS MATTER having come before the Court on Defendant's motion to reconsider [#55] detention, and the Court having considered the briefs of counsel, the motion must be Denied.**

**Discussion**

**Reconsideration of a prior order is appropriate only to correct manifest errors of law or to present newly discovered evidence. *Phelps v. Hamilton*, 122 F.3d 1309, 1324 (10th Cir. 1997). None of the matters Defendant raises as errors of law or newly discovered evidence can withstand scrutiny. Indeed, all of**

the “newly discovered” evidence supports the Government and thus the Court’s earlier decision.

**Machine Gun**

The firearm at issue was examined by Richard D. Craze, Firearms Enforcement Officer, Bureau of Alcohol, Tobacco and Firearms. A copy of his report is attached to the Government’s Response. Mr. Craze states that the weapon has been altered subsequent to manufacture to make it a machine gun. This clearly contradicts Defendant’s representation that the weapon has not been altered.

**The Anarchist’s Cookbook**

Defendant maintains there is no historical or rational link between the *Anarchist’s Cookbook* and criminal activity. The Government cites at least ten cases where this tome is mentioned in connection with specific crimes involving weapons and drugs. It has also been discussed by legal commentators as including “step-by-step instructions on how to kill someone with a knife, how to grow marijuana and how to make the explosive nitroglycerin” as well as “a nail grenade” and “an effective directional anti-personnel mine.” Loris L. Bakken, Comment, *Providing the Recipe for Destruction: Protected or Unprotected Speech?*, 32

**McGeorge L. Rev. 289, 293-4 (2000). See also Sandra Davidson, *Blood Money: When Media Expose Others to Risk of Bodily Harm*, 19 *Hast. Comm. & Ent. L.J.* 225 n. 380 (1997). While the relevance of this evidence may be fairly debated as to Defendant's First Amendment rights or even his guilt, it has clear implications on whether he is a potential danger to society.**

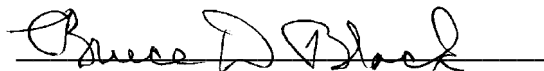
**Crime of Violence**

**The Court need not resolve this issue. Given Defendant's criminal history as well as the above discussion, the Court concludes Defendant is a danger to society.**

**O R D E R**

**For the above stated reasons, Defendant's *Motion for Reconsideration* is DENIED.**

**Dated at Albuquerque this 8th day of January, 2002.**

  
**BRUCE D. BLACK**  
**United States District Judge**